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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

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9 MICHAEL EUGENE HUBER,
10 Petitioner,
11 vs.
12 WARDEN BACA, et al.,
13 Respondents.

Case No. 3:14-cv-00083-RCJ-VPC
ORDER

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15 The court directed petitioner to show cause why this action should not be dismissed because
16 it is untimely and successive. Order (#3). Petitioner has not responded within the allotted time, and
17 the court will dismiss the action.

18 Reasonable jurists would not find the court's conclusion to be debatable or wrong, and the
19 court will not issue a certificate of appealability.

20 IT IS THEREFORE ORDERED that this action is **DISMISSED** with prejudice as untimely
21 and successive. The clerk of the court shall enter judgment accordingly.

22 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

23 Dated: This 19th day of November, 2014.

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ROBERT C. JONES
United States District Judge